

04-02-03

DAC #

#5

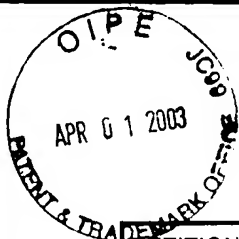
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

PTO/SB/61 (7-99)
Approved for use through 09/30/2000 OMB 0651-0031
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional) 22918/1
First named inventor:	Lucia Irene Gonzalez-Villasenor	Group Art Unit: Not Yet Assigned
Application Number:	10/080,919	Examiner: Not Yet Assigned
Filed:	February 22, 2002	
Title:	METHODS AND COMPOSITIONS FOR PRODUCTION OF RECOMBINANT PEPTIDES	
Attention: Office of Petitions Assistant Commissioner for Patents Box DAC Washington, D.C. 20231		
<p>RECEIVED APR 01 OFFICE OF PETITIONS</p>		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items:		
<ul style="list-style-type: none">(1) Petition fee;(2) Reply and/or issue fee;(3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and(4) Adequate showing of the cause of unavoidable delay		
1. Petition fee		
<input checked="" type="checkbox"/> small entity - fee \$ 55.00 (37 CFR 1.17(l)).		
<input type="checkbox"/> small entity statement enclosed herewith.		
<input checked="" type="checkbox"/> small entity statement previously filed.		
<input type="checkbox"/> other than small entity - fee \$ (37 CFR 1.17(l)).		
2 Reply and/or fee		
A. The reply and/or fee to the above-noted Office action in		
the form of Response to Notice to File Missing Parts of Application (identify the type of reply):		
<input type="checkbox"/> has been filed previously on		
<input checked="" type="checkbox"/> is enclosed herewith.		
B. The issue fee of \$		
<input type="checkbox"/> has been paid previously on		
<input type="checkbox"/> is enclosed herewith.		

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Washington, DC 20231



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/61 (7-99)
Approved for use through 09/30/2000 OMB 0651-0031
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

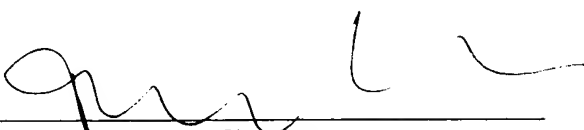
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

April 1, 2003

Date


Signature

Telephone

Number: (617) 856-8284

Thomas M. Saunders, Reg. No. 29,585

Brown Rudnick Berlack Israels LLP
One Financial Center, Floor 18, Box IP
Boston, MA 02111
Customer No. 21710
Tel.: 617-856-8284
Fax: 617-856-8201
Email: ip@brbilaw.com

Enclosures: ☒ Fee Payment

☒ Reply

☒ Declaration of Thomas M. Saunders

☒ Please charge the amount of \$55.00 and any other fees which may be required, or credit any overpayment, to Deposit Account No. 50-0369. A duplicate copy of this sheet is enclosed.

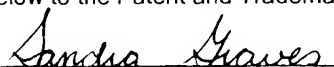
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

April 1, 2003

Date


Signature

Sandra J. Graves

Typed or printed name of person signing certificate



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

PTO/SB/61 (7-99)
Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office, U. S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

April 1, 2003

Date

Thomas M. Saunders, Esq.
Attorney for Applicant
Brown Rudnick Berlack Israels LLP
One Financial Center, Floor 18,
Box IP
Boston, MA 02111
Customer No. 21710

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

As evidenced by the attached Declarations, the Notice to File Missing Parts of Non-Provisional Application was never received.

(Please attach additional sheets if additional space is necessary)



Attorney Docket No. 22918/1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lucia Irene Gonzalez-Villasenor Examiner: Not Yet Assigned
Application No: 10/080,919 Group Art Unit: Not Yet Assigned
Filed: February 22, 2002
Title: METHODS AND COMPOSITIONS FOR PRODUCTION OF
RECOMBINANT PEPTIDES

CERTIFICATE OF EXPRESS MAIL

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 and is addressed to Box DAC, Commissioner for Patents, Washington, DC 20231: **Express Mail Label No.: EV 231605458US**.

By: Sandra Graves

Sandra Graves

April 1, 2003

Date

Attention: Office of Petitions
BOX DAC
Commissioner for Patents
Washington, DC 20231

DECLARATION OF THOMAS M. SAUNDERS

Dear Sir:

I, Thomas M. Saunders, hereby declare that:

1. I am a Partner at the law firm of Brown Rudnick Berlack Israels LLP;
2. I am the attorney of record in connection with the above-referenced patent application and have been since the application was filed on February 22, 2002, and from filing of the provisional application on February 23, 2001;
3. When the above-referenced application was filed in February, 2002, I was a Partner at the law firm of Lorusso & Loud;
4. I began my employment at Brown Rudnick Berlack Israels LLP on April 28, 2002;
5. An Information Disclosure statement was filed in the application on June 7, 2002;

6. A Revocation and New Power of Attorney was filed in the application on July 15, 2002, a copy of which is enclosed;

7. I called the U.S. Patent and Trademark Office in late 2002 to inquire about Publication of the above-referenced case and was told that there was a delay;

8. A Status Inquiry was filed in connection with the above-referenced case on December 20, 2002 (Exhibit 1);

9. A return postcard was received for the Status Inquiry (Exhibit 2);

10. A Notice of Acceptance of Power of Attorney was received on February 6, 2003 from the U.S. Patent and Trademark Office in connection with the application (Exhibit 3);

11. On March 18, 2003, in the course of again checking the Status of the application, the Brown Rudnick Berlack Israels LLP Docket Clerk, June Kaps, called the U.S. Patent and Trademark Office and found that the application had been abandoned;

12. As a result of that call, a copy of the Notice to File Missing Parts of Non-Provisional Application, with a mailing date of March 18, 2002, was immediately sent by fax to Brown Rudnick Berlack Israels LLP, on March 18, 2003. This is the first time Lorusso & Loud or Brown Rudnick Berlack Israels LLP saw the Notice to File Missing Parts;

13. The above referenced application became abandoned for failure to respond to the Notice to File Missing Parts of Non-Provisional Application;

14. The entire period of delay between May 18, 2002, the initial due date for response to the Notice to File Missing Parts, and the execution date of this declaration was unavoidable, or, in the alternative, unintentional and was not based on any intent to abandon the application;

15. No Notice to File Missing Parts was received by either Lorusso & Loud or Brown Rudnick Berlack Israels LLP (until March 18, 2003);

16. No Notice of Abandonment has yet been received at either Lorusso & Loud or Brown Rudnick Berlack Israels LLP;

17. A copy of the regularly maintained docket sheets from Lorusso & Loud for the time period of April 18, 2002 through May 18, 2002 is enclosed (serial numbers are redacted for client confidentiality) (Exhibit 4). For a Notice to File Missing Parts of Non-Provisional Application dated March 18, 2002, in ordinary course of business, the Lorusso & Loud Docket Clerk would have entered the Notice as a reminder due date in 1 month on April 18, 2002 and "due date" on May 18, 2002 (Declaration of Margaret Ritchie (Exhibit 5)). The client matter identifier for this matter at Lorusso & Loud was BOL-101. No BOL-101 entry appears.

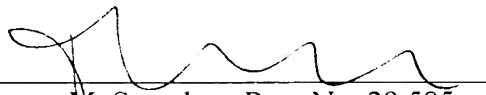
18. The file jacket for this application was searched and no Notice was found; and

19. Declarations of June Kaps, Docket Clerk at the law firm of Brown Rudnick Berlack Israels LLP (Exhibit 6), Michelle Phinney (Exhibit 7), and Sandra Graves (Exhibit 8), both Legal Executive Assistants supporting Thomas M. Saunders at Brown Rudnick Berlack Israels LLP.

I hereby declare that all statements made herein of my own knowledge are true and that all statements were made on information and belief and are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted by:

April 1, 2003



Thomas M. Saunders, Reg. No. 29,585
Brown Rudnick Berlack Israels LLP
One Financial Center, Floor 18, Box IP
Boston, MA 02111
Customer No. 21710
Tel.: 617-856-8284
Fax: 617-856-8201
Email: ip@brbilaw.com